



**THE CITY OF NEW YORK  
LAW DEPARTMENT**

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March 6, 2020

**BY ECF**

Honorable Katherine Polk Failla  
United States District Judge  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

**MEMO ENDORSED**

Re: Jermaine Linton v. City of New York, et al. 18-CV-4204 (KPF)

Your Honor:

I am an Assistant Corporation Counsel in the Office of James E. Johnson, Corporation Counsel of the City of New York, and the attorney assigned to represent Defendants City of New York ("City"), Sedeke Kamora, and Richard Sabbat (collectively "Defendants") in the above-referenced matter. Defendants respectfully write to request that the Court (1) compel Plaintiff to respond to Defendants' Interrogatories and Requests for the Production of Documents ("Defendants' Requests") by a date certain and (2) extend the close of fact discovery, currently scheduled for April 10, 2020, until sixty (60) days from the date the undersigned receives Plaintiff's complete responses to Defendants' Requests. This is Defendants' first request for an extension of fact discovery and their first motion to compel Plaintiff to respond to Defendants' Requests. The undersigned attempted to call Plaintiff to obtain his consent to this extension request, but Plaintiff's phone is currently not accepting calls. Further, on March 3, 2020, the undersigned mailed a letter to Plaintiff at the address listed on the docket notifying him that Defendants intended to ask the Court for an extension of discovery.

By way of background, Plaintiff filed this 42 U.S.C § 1983 action on May 10, 2018, alleging that, while he was a pretrial detainee at Rikers Island, Defendants used excessive force against him and violated his rights under the Equal Protection and the Free Exercise Clauses. (ECF No. 2). On December 12, 2019, the Court held an initial pretrial conference and endorsed the parties' case management plan. (ECF Nos. 37 and 40). In accordance with the dates set forth in the case management plan, Defendants served Plaintiff with Defendants' Requests on January 27, 2020. Pursuant to Rule 33(b) and 34(b) of the Federal Rules of Civil Procedure, Plaintiff's responses were due within thirty days of service of Defendants' Requests, or by February 26, 2020.

As of the date of this filing, Defendants have not received Plaintiff's responses and, consequently, are unable to adequately prepare Plaintiff's deposition. Defendants estimate that it will take approximately thirty (30) days to receive records once the releases requested in Defendants' Requests are received and an additional thirty (30) days review the records and conduct Plaintiff's deposition.

Accordingly, Defendants respectfully request that the Court (1) compel Plaintiff to respond to Defendants' Requests by a date certain and (2) extend the close of fact discovery, currently scheduled for April 10, 2020, until sixty (60) days from the date the undersigned receives Plaintiff's complete responses to Defendants' Requests

Thank you for your consideration in this matter.

Respectfully submitted,

James R. Murray s/  
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CC: By Mail  
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*Plaintiff Pro Se*  
9520 Seaview Court  
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Defendants' application to compel Plaintiff to respond to their request for production of documents and and interrogatories is GRANTED. Plaintiff is hereby ORDERED to: (i) respond to Defendants' request by April 4, 2020, on pain of dismissal. Fact discovery is hereby extended such that it will close 60 days after Defendants receive Plaintiff's responses to their outstanding discovery requests.

Dated: March 13, 2020  
New York, New York

SO ORDERED.



HON. KATHERINE POLK FAILLA  
UNITED STATES DISTRICT JUDGE

*A copy of this Order was mailed by Chambers to:*

Jermaine Linton  
9520 Seaview Court  
Brooklyn, NY 11236